HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION NO. 5787 OF 2006

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Between:

T. Gangadhar

……Petitioner

And

The Government of Andhra Pradesh,

Represented by its Chief Secretary,

Secretariat Buildings, Hyderabad

……Respondent

:: ORDER ::

Counsel for the Petitioner : Sri B. Parameswara Rao

Counsel for the Respondent : Government Pleader for

General Administration

Dated: 23-03-2006

Per G.S. SINGHVI, CJ

This petition filed in the name of public interest for issuance of a writ in the nature of mandamus directing the respondent to take action on the audit paragraphs and inspection reports of Comptroller and Auditor General of India, audit objections of State Audit Department and audit objections of Registrar of Cooperative Societies within stipulated time is liable to be dismissed summarily because the petitioner has neither placed on record any tangible material to show that the concerned authorities of the State have failed to take action on the audit objections and inspection reports and also because the petitioner has not impleaded the so-called defaulting officers as party respondents.

In our opinion, in every petition filed in the name of public interest through an advocate, the petitioner is under obligation to prima facie establish his locus in the matter and also show to the Court that the public functionaries have done something or omitted to do something which has an adverse affect on the larger public interest. The Court cannot entertain a petition in public interest on the basis of bald averments contained in the petition.

In the present case, the petitioner has not shown that the audit objections/inspection reports have been scrutinised by the Public Accounts Committee of the Andhra Pradesh Legislative Assembly and the responsibility on the defaulting officers has been fixed and yet action has not been taken against the concerned officer/official. Therefore, we do not consider it to be fit case for exercise of power of this Court under Article 226 of the Constitution of India.

With the above observations, the writ petition is dismissed.

G.S.SINGHVI, CJ

G.BHAVANI PRASAD,J

23-03-2006

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